
Office of the Prosecuting Attorney

PROSECUTING ATTORNEY

Mission

Prosecuting Attorney

The PAO's mission is to serve the interests of justice by handling cases efficiently and fairly, while balancing the interests of accountability and public safety. Our mission is also to provide progressive and effective legal counsel for our King County clients by problem solving and creating solutions.

ISSUES AND PRIORITIES

The Prosecuting Attorney's Office (PAO) is responsible for the prosecution of all felony and juvenile cases in King County and all misdemeanor cases generated in unincorporated areas of King County. The PAO also serves as legal counsel to the Metropolitan King County Council, the King County Executive, all executive agencies, the Superior and District Courts, the King County Sheriff's Office, the King County Assessor, various independent boards and commissions, and some school districts.

The PAO receives and reviews over 25,000 criminal investigations and referrals from the county's 38 different law enforcement agencies. Historically, the PAO prosecuted over 10,000 felonies, approximately 10,000 misdemeanor cases, and 5,000 juvenile cases each year. Felony filings are down 30 percent between 2004 and 2009 (based on a projection of 2009 cases). The decline in felony filings reflects both the national and regional downward trend in crime, as well as the impact of the Prosecutor's change to the Filing and Disposition Standards (FADS) in October in 2008. The FADS change was a major policy change on the part of the Prosecutor with regard to felony filing standards. The primary change was to file cases of simple possession of drugs for personal use as misdemeanors rather than as felonies. This change continues to generate savings throughout the entire criminal justice system.

As a result of reductions in the 2009 budget, the PAO was forced to identify its priorities in order to focus dwindling resources on the work that most implicates public safety and therefore prioritizes the immediate response to, and successful litigation of, these categories of cases:

Homicides
Aggravated assaults
Robberies
Domestic Violence
Felony Traffic Offenses
Car Theft
Sexual Assaults
Sex Offender Registration

Residential Burglary
Major Financial Crimes
Domestic Violence
Elder Abuse
DUI
Gang Violence
Sexually Violent Predators

In another effort to save system costs, the 2010 Executive Proposed Budget makes a modest investment in the PAO's budget to divert truant youth from the court system, thereby avoiding approximately \$1.2 million in new public defense costs arising out of a recent Court of Appeals decision, *Bellevue v. E.S.* That case held that truant youth have a right to counsel at an initial truancy hearing. In years past, truant youth were afforded counsel only at contempt of court proceedings where detention was a possible sanction. The result of this court ruling would increase public defense costs by approximately \$1 million each year. In an effort to avoid these additional costs, the PAO requested a minimal increase in the number of staff that handle these cases (1.4 FTE) to develop interventions that will divert youth from the court system and into truancy workshops where schools and youth can work together to get the children back in school.

In 2009, the State Legislature enabled King County to supplant up to 50 percent of the revenues generated by the Mental Illness and Drug Dependency (MIDD) sales tax. The legislation ramps down the amount that can be supplanted by 10 percent per year over five years. The 2010 Executive Proposed Budget assumes that 30 percent of MIDD revenues in 2010 will be redirected to support existing mental health and chemical dependency programs. For the PAO, the staffing for Mental Health Court and the Adult and Juvenile Drug Court programs will be shifted onto MIDD funding for at least the next three years.

**2010 Proposed Budget for Prosecuting Attorney
0010/0500**

Code	Item	Description	Expenditures	FTEs *	TLTs
Program Area					
LSJ					
		2009 Adopted	56,194,292	486.40	3.00
		Status Quo**	(1,148,065)	0.00	0.00
		Status Quo Budget	55,046,227	486.40	3.00
Contra Add Back			3,528,104		
Annexations/Incorporations					
AX04		North Highline Annexation	(126,919)	0.00	0.00
			(126,919)	0.00	0.00
Justice System Services					
AS02		U.S. Dept. of Justice Grant (\$400,000 Revenue)	0	0.00	0.00
AS03		Sound Transit Legal Services (\$150,000 Revenue)	0	0.00	0.00
PC02		Truancy Attendance Workshops	171,855	1.40	0.00
			171,855	1.40	0.00
MIDD Supplantation					
MI01		Transfer of Mental Health Court to MIDD Funding	(196,101)	(2.00)	0.00
MI02		Transfer of Adult Drug Court to MIDD Funding	(533,282)	(3.00)	0.00
MI03		Transfer of Juvenile Drug Court to MIDD Funding	(121,778)	0.00	0.00
			(851,161)	(5.00)	0.00
Operational Shutdown Savings					
CR45		Operational Shutdown Savings Contra	(987,256)	0.00	0.00
			(987,256)	0.00	0.00
Technical Adjustments					
TA02		Restoration of Step Increases for KCDPA	625,909	0.00	0.00
TA50		Revenue Adjustment of \$12,570	0	0.00	0.00
CR01		Flexible Benefits	(285,948)	0.00	0.00
CR07		Technology Services Operations & Maintenance Charge	(37,653)	0.00	0.00
CR08		Technology Services Infrastructure Charge	(12,102)	0.00	0.00
CR09		Geographic Information Systems Charge	(108)	0.00	0.00
CR10		Office of Information Resource Mgmt Ops Charge/Rebate	(47,726)	0.00	0.00
CR11		Telecommunications Services	3,521	0.00	0.00
CR12		Telecommunications Overhead	(46,782)	0.00	0.00
CR13		Motor Pool Usage Charge	(3,970)	0.00	0.00
CR14		Facilities Management Space Charge	(121,882)	0.00	0.00
CR15		Insurance Charges	(1,809)	0.00	0.00
CR22		Long Term Leases	26,354	0.00	0.00
CR25		Financial Services Charge	(67,856)	0.00	0.00
CR26		Retirement Rate Adjustment	(1,014,298)	0.00	0.00
CR27		Industrial Insurance Rate Adjustment	(4,153)	0.00	0.00
CR35		Underexpenditure Contra	39,749	0.00	0.00
CR36		Property Services Lease Administration Fee	417	0.00	0.00
CR37		Facilities Management Strategic Initiative	2,732	0.00	0.00
			(945,605)	0.00	0.00
Total Change Items in 2010			(2,739,086)	(3.60)	0.00
2010 Proposed Budget			55,835,245	482.80	3.00

* FTEs do not include temporaries or overtime.

** This includes 2009 adopted, initial status quo, and proposed status quo increments. Under FTEs, annualization is included.

*** Please see Budget Transparency Section table at the end of the program plan pages for section information as identified in the Budget Transparency Ordinance No. 16445.

Prosecuting Attorney

**2010 Proposed Budget for Prosecuting Attorney
Antiprofitteering 0010/0501**

Code	Item	Description	Expenditures	FTEs *	TLTs
Program Area					
		<i>LSJ</i>			
		2009 Adopted	119,897	0.00	0.00
		Status Quo**	0	0.00	0.00
		Status Quo Budget	119,897	0.00	0.00
		Contra Add Back	0		
Technical Adjustments					
NC01		No Change Items Proposed for this Budget	0	0.00	0.00
		Total Change Items in 2010	0	0.00	0.00
		2010 Proposed Budget	119,897	0.00	0.00

* FTEs do not include temporaries or overtime.

** This includes 2009 adopted, initial status quo, and proposed status quo increments. Under FTEs, annualization is included.

*** Please see Budget Transparency Section table at the end of the program plan pages for section information as identified in the Budget Transparency Ordinance No. 16445.

PROGRAM HIGHLIGHTS

The total 2010 Executive Proposed Budget for the Prosecuting Attorney's Office is \$55,835,245 with 482.80 FTEs and 3.00 TLTs.

Annexations / Incorporations

North Highline Annexation – (\$126,919). On August 18, 2009, the residents of the southern portion of North Highline voted to annex to the City of Burien. The annexation is expected to be effective March 2, 2010. Because responsibility for providing local services to the approximately 14,350 residents of the area will shift to Burien, King County will experience savings across multiple agencies. The annexation will generate \$126,919 savings for the PAO related to the decline in misdemeanor filings for the area in the last ten months of 2010.

Justice System Services

U.S. Department of Justice Grant – \$400,000 Revenue. A one-time American Recovery and Reinvestment Act sub-grant through the state's Community Trade and Economic Development (CTED) will provide funding to maintain prosecutorial staffing.

Revenue from Sound Transit for Legal Services – \$150,000 Revenue. The PAO has entered into an intergovernmental agreement with Sound Transit for legal services related to Link Light Rail. The PAO Civil Division will absorb the additional workload and will bill Sound Transit for actual costs.

Truancy Attendance Workshops – \$171,855 / 1.40 FTEs. For the 2009-2010 school year, the Prosecutor is launching an Attendance Workshop program designed to address outside the court system the individual reasons a youth has been truant and to mitigate the defense costs associated with *Bellevue v. E.S.* Under the Prosecutor's proposal, the PAO would act as the gatekeeper for truancy cases. The proposal calls for each truancy petition to be stayed upon filing and each truant youth to be directed to one of the weekly attendance workshops held around the county. The workshops will be run by a truancy workshop coordinator in the PAO, along with volunteer staff, in cooperation with the school districts. The goal would be resolve a large proportion of truancy cases through the workshops and mitigate the need for defense and court costs. This proposal will increase a 0.6 FTE Deputy Prosecuting Attorney (DPA) to a full-time position, add a 1.0 FTE Truancy Coordinator, and provide funding to purchase workshop supplies.

Operational Shutdown Savings

Operational Shutdown Savings Contra – (\$987,256). In the face of the severe fiscal challenges across all county funds, the 2010 Executive Proposed Budget includes savings assumptions in an effort to preserve direct services. For 2009, savings were achieved through the implementation of a ten-day building and/or operational closure program, resulting in labor furloughs. The 2010 budget is balanced across all funds assuming that a similar level of savings will be achieved in each agency based on the furlough eligible employees as was adopted for 2009, including 2009 County Council amendments. The specific details of the 2010 plan are still under development, and discussions with labor unions and individual agencies are on-going. Specific plans describing how the 2010 savings will be achieved will be transmitted to the County Council in the coming weeks. To the extent that savings, from labor or other expenses, cannot be fully achieved through temporary and short term building and/or operational closures, the plan will describe additional programmatic reductions and the elimination of additional positions.

MIDD Supplantation

Transfer of Mental Health Court Staffing to MIDD Funding – (\$196,101) / (2.00) FTEs.

Two part-time DPAs and a Legal Services Administrator that provide PAO staffing to the Mental Health Court will transfer to a MIDD appropriation unit. Expenditure and FTE authority for these positions will reside in the MIDD Fund. This amount does not include COLA, which was transferred with the FTEs to the MIDD appropriation unit via a central account, or Operational Shutdown Savings savings.

Transfer of Adult Drug Court Staffing to MIDD Funding – (\$533,282) / (3.00) FTEs. Three FTEs and budget for rotating staff in the Adult Drug Court will transfer to a MIDD appropriation unit. Expenditure and FTE authority for these positions will reside in the MIDD Fund. This amount does not include COLA, which was transferred with the FTEs to the MIDD appropriation unit via a central account, or Operational Shutdown Savings savings.

Transfer of Juvenile Drug Court Staffing to MIDD – (\$121,778). Budget for a rotating DPA in the Juvenile Drug Court will transfer to a MIDD appropriation unit through loan in/loan out labor. Expenditure and FTE authority for these positions will reside in the MIDD Fund.

Technical Adjustment

Restoration of Step Increases for King County Deputy Prosecuting Attorneys – \$625,909. An agreement with the Deputy Prosecuting Attorneys bargaining unit was reached in June 2009. This budget change represents merit increases and COLA for these represented staff.

Central Rates – (\$1,571,514). This series of adjustments captures the net effect of countywide charges and results in a \$1,571,514 reduction in charges to the Prosecutor's Office. These reductions reflect efficiencies created by Executive agencies to reduce the cost of services they provide to other county agencies. These changes reflect the County Executive's commitment to creating an efficient government and making administrative reductions before direct service reductions. The efforts of central rate agencies to reduce costs are integral to the County Executive's strategy to address the General Fund deficit, and benefit all county agencies.

IT Capital Projects

This IT project is budgeted separately in Capital Fund 3771 and is included here to provide a full representation of budget changes related to the PAO.

IT Equipment Replacement – \$75,733. This proposal will allow the PAO to replace some of its IT equipment at end-of-life and as warranties expire. This proposal was based on an Equipment Replacement Plan that was developed to support the PAO's core services and performance measures at the current level. Not providing these services would mean that PAO staff would not be as productive due to slower systems and more breakdowns.